

15A NCAC 02Q .0517 REOPENING FOR CAUSE

(a) A permit shall be reopened and revised under the following circumstances:

- (1) additional applicable requirements become applicable to a facility with a remaining permit term of three or more years;
- (2) additional requirements (including excess emissions requirements) become applicable to a source covered by Title IV (upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit);
- (3) the Director or EPA finds that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
- (4) the Director or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(b) Any permit reopening pursuant to Subparagraph (a)(1) of this Rule shall be completed or a revised permit issued within 18 months after the applicable requirement is promulgated. No reopening is required if the effective date of the requirement is after the expiration of the permit term unless the term of the permit was extended pursuant to 15A NCAC 02Q .0513(c).

(c) Except for the State-enforceable only portion of the permit, the procedures set out in 15A NCAC 02Q .0507, .0521 or .0522 shall be followed to reissue a permit that has been reopened pursuant to this Rule. If the State-enforceable only portion of the permit is reopened, the procedures in 15A NCAC 02Q .0300 shall be followed. The proceedings shall affect only those parts of the permit for which cause to reopen exists.

(d) The Director shall notify the permittee at least 60 days in advance of the date that the permit is to be reopened, except in cases of imminent threat to public health or safety the Director may notify the permittee less than 60 days before reopening the permit. The notice shall explain why the permit is being reopened.

(e) Within 90 days, or 180 days if EPA extends the response period, after receiving notification from EPA that it finds that a permit should be terminated, modified, or revoked and reissued, the Director shall send to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. July 1, 1997;
Readopted Eff. April 1, 2018.*